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FORM PARWALUNT RESPECT FON B5 (Official Form 5) (12/07) United States Bankruptcy Court INVOLUNTARY **PETITION** Western District of North Carolina ALL OTHER NAMES used by debtor in the last 8 years IN RE (Name of Debtor - If Individual: Last, First, Middle) (Include married, maiden, and trade names.) The McAlpine Group, LLC The McAlpine Company a/k/a/ The McAlpine Company, Last four digits of Social-Security or other Individual's Tax-ID No./Complete EIN Inc. a/k/a McAlpine Investments a/k/a McAlpine (If more than one, state all.) Development Company, LLC STREET ADDRESS OF DEBTOR (No. and street, city, state, and zip code) MAILING ADDRESS OF DEBTOR (If different from street address) 1329 E. Morehead Street, Suite 200 Charlotte, NC 28204 COUNTY OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS <u>Mecklenburg</u> LOCATION OF PRINCIPAL ASSETS OF BUSINESS DEBTOR (If different from previously listed addresses) CHAPTER OF BANKRUPTCY CODE UNDER WHICH PETITION IS FILED ☐ Chapter 11 Chapter 7 INFORMATION REGARDING DEBTOR (Check applicable boxes) Nature of Debts Type of Debtor Nature of Business (Check one box) (Form of Organization) (Check one box) ☐ Health Care Business ☐ Individual (Includes Joint Debtor) ☐ Single Asset Real Estate as defined in Petitioners believe: Corporation (Includes LLC and LLP) 11 U.S.C. § 101(51)(B) ☐ Debts are primarily consumer debts ☐ Partnership Railroad Debts are primarily business debts ☐ Other (If debtor is not one of the above entities, ☐ Stockbroker ☐ Commodity Broker check this box and state type of entity below.) ☐ Clearing Bank Other FILING FEE (Check one box) VENUE Full Filing Fee attached Debtor has been domiciled or has had a residence, principal place of business, or principal assets in the District for 180 Petitioner is a child suport creditor or its representative, and the form specified days immediately preceding the date of this petition or for in § 304(g) of the Bankruptcy Reform Act of 1994 is attached. a longer part of such 180 days than in any other District. [If a child support creditor or its representative is a petitioner, and if the petitioner files the form specified in § 304(g) of the Bankruptcy Reform Act of A bankruptcy case concerning debtor's affiliate, general partner or partnership is pending in this District. 1994, no fee is required.] PENDING BANKRUPTCY CASE FILED BY OR AGAINST ANY PARTNER OR AFFILIATE OF THIS DEBTOR (Report information for any additional cases on attached sheets.) Date Name of Debtor Case Number Prosperity Park, LLC 10-31399 Judge Relationship Western District of North Carolina **Affiliate** ALLEGATIONS COURT USE ONLY (Check applicable boxes) Petitioner(s) are eligible to file this petition pursuant to 11 U.S.C. § 303(b). The debtor is a person against whom an order for relief may be entered under title 11 of the United States Code. The debtor is generally not paying such debtor's debts as they become due, unless such debts are the subject of a bona fide dispute as to liability or amount; 3.b. Within 120 days preceding the filing of this petition, a custodian, other than a trustee, receiver, or agent appointed or authorized to take charge of less than substantially all of the property of the debtor for the purpose of enforcing a lien against such property, was appointed or took possession.

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Name of Debtor_	The McAlpine Group, LLC	
Case No		

TRANSFER OF CLAIM Check this box if there has been a transfer of any claim against the debtor by or to any petitioner. Attach all documents evidencing the transfer and any statements that are required under Bankruptcy Rule 1003(a).				
REQUEST FOR RELIEF				
Petitioner(s) request that an order for relief be entered against the debtor under the chapter of title 11, United States Code, specified in this petition. If any petitioner is a foreign representative appointed in a foreign proceeding, a certified copy of the order of the court granting recognition is attached.				
Petitioner(s) declare under penalty of perjury that the to correct according to the best of their knowledge, information of the correct according to the best of their knowledge.	oregoing is true and mation, and belief.			
		X/s/ Michael David Bland, Esq.	September 9, 2010	
X/s/ Roger Williams Signature of Petitioner or Representative (State	title)	Signature of Attorney	Date	
Roger Williams September 9, 2010 Name of Petitioner Date Signed Name & Mailing Roger Williams		Michael David Bland, Esq.		
		Name of Attorney Firm (If any)		
		Weaver, Bennett & Bland, P.A. P.O. Box 2570		
Address of Individual Signing in Representative Marvin, NC 28173		Matthews, NC 28106-2570 Address		
Capacity Watvin, NO 2017		Telephone No. 704.844.1400		
		χ/s/ Ronald L. Gibson, Esq.	September 9, 2010	
x/s/ Robert McDonnell, Vice President		Signature of Attorney	Date	
Signature of Petitioner or Representative (State	e title)	Ronald L. Gibson, Esq.		
	September 9, 2010	Name of Attorney Firm (If any)		
Name of Petitioner Date Signed		Erwin & Eleazer. P.A.		
Name & Mailing Address of Individual 3575 Centre Circle		831 E. Morehead Street, Suite 840 Charlotte, NC 28202		
Signing in Representative Fort Mill, SC 2971 Capacity	5	Address Telephone No. 704.405.2628		
and we shall be a constructed that the construction of the constru	Activities to the contraction of the Activity of the Contraction of th			
		X/s/ Katherine J. Clayton, Esq.	September 9, 2010	
X/s/ Joe R. Dority, Vice President Signature of Petitioner or Representative (State	e title)	Signature of Attorney	Date	
•	·	Katherine J. Clayton, Esq.		
Eastwood Construction, LLC Name of Petitioner	September 9, 2010 Date Signed	Name of Attorney Firm (If any)		
Joe R. Dority Vic	•	Brooks, Pierce, et al. P. O. Box 1800		
Address of Individual 2857 Westport Ro	ad	Raleigh, NC 27602		
Signing in Representative Charlotte, NC 28208 Capacity		Address Telephone No. 919.839.0300		
	PETITIONING	CREDITORS		
Name and Address of Petitioner	Nature of Claim	4- d A: 7 0000 ! 4}!!!	Amount of Claim	
Roger Williams 10603 New Town Road Marvin, NC 28173 Promissory Note d principal amount o		ated April 7, 2008 in the original	1,287,219.08	
		+ -11	. ,	
Name and Address of Petitioner Nature of Claim		07.26 automod in Mandalanham	Amount of Claim	
		07.36 entered in Mecklenburg ourt on January 5, 2010, case	19,556.05	
Fort Mill, SC 29715 County Superior County Sup				
Name and Address of Petitioner Nature of Claim		acts dated October 19, 2007 (as	Amount of Claim	
2857 Westport Road amended), Januar		22, 2007 and March 19, 2007 for	929,000.00	
Charlotte, NC 28208 return of earnest m				
Note: If there are more than three petitioners, attach additional sheets with the statement under penalty of			Total Amount of Petitioners' Claims	
perfury, each pentioner's signature under the statement and the name of attorney and pentioning			2,235,775.13	

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FORM 5 Involuntary Petition

Name or	Deutoi, The McAlpine Group, LLG
Case No.	
	(Court use only)

	(Continuation Sheet)	
Name of Debtor	Case Number	Date
10210 Prosperity Park Drive, LLC	10-31398	
Relationship	District	Judge
Affiliate	Western District of North Carolina	
Name of Debtor	Case Number	Date
McAlpine-Providence Road West, LLC	10-31841	
Relationship	District	Judge
Affiliate	Western District of North Carolina	3
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge
Name of Debtor	Case Number	Date
Relationship	District	Judge

1 of 1 continuation sheets attached

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UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NORTH CAROLINA

In Re:)	
)	
THE MCALPINE GROUP, LLC a/k/a)	
THE McALPINE COMPANY a/k/a)	Case No.:
THE McALPINE COMPANY, INC.)	
a/k/a McALPINE INVESTMENTS,)	
INC. a/k/a McALPINE)	
DEVELOPMENT COMPANY, LLC		
Debtor.		

CORPORATE OWNERSHIP STATEMENT

Petitioning Creditor, Eastwood Construction, LLC, by and through counsel, and pursuant to Rules 1010(b) and 7007.1 of the Federal Rules of Bankruptcy Procedure, respectfully states that the following corporation directly or indirectly owns 10% or more of any class of equity interests:

Nothing to report.

This the 9th day of September, 2010.

/s/ Katherine J. Clayton
Katherine J. Clayton
North Carolina Bar No. 33070
Email: kclayton@brookspierce.com
BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.
P.O. Box 1800
Raleigh, NC 27602
Tel: (919) 839-0300

Fax: (919) 839-0304 Counsel for Eastwood Construction, LLC

UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF NORTH CAROLINA

In Re:)
)
THE MCALPINE GROUP, LLC a/k/a)
THE McALPINE COMPANY a/k/a) Case No.:
THE McALPINE COMPANY, INC.)
a/k/a McALPINE INVESTMENTS,)
INC. a/k/a McALPINE)
DEVELOPMENT COMPANY, LLC	
Debtor.	_

CORPORATE OWNERSHIP STATEMENT

Petitioning Creditor, Summit ESC, Inc., by and through counsel, and pursuant to Rules 1010(b) and 7007.1 of the Federal Rules of Bankruptcy Procedure, respectfully states that the following corporation directly or indirectly owns 10% or more of any class of equity interests:

Nothing to report.

This the 9th day of September, 2010.

/s/ Ronald L. Gibson

Ronald L. Gibson North Carolina Bar No. 8283 Erwin and Eleazer, P.A. 831 E. Morehead St., Suite 840 Charlotte, NC 28202

Tel: 704.369.7900 Fax: 704.335.5433

Email: rgibson@eelaw.net Counsel for Summit ESC, Inc.